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February 1, 2008

Mr. Tom Lonnie  
State Director  
Bureau of Land Management  
Alaska State Office  
222 West Seventh Avenue, Suite 13  
Anchorage, AK 99513-7599

Dear Mr. Lonnie:

Thank you for providing the State of Alaska with a copy of the Bureau of Land Management (BLM) Bay Area Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) prepared using BLM's planning regulations and guidance issued under the Federal Land Policy and Management Act of 1976 (FLPMA) and the National Environmental Policy Act of 1969 (NEPA). We appreciate BLM's efforts, consistent with the spirit and intent of this legislation, to work and consult with state resource agencies throughout the development of this plan. I believe that this cooperative approach has benefited both the State of Alaska and the BLM. We also appreciate the additional opportunity provided through the Governor's Consistency Review, to identify inconsistencies with approved state plans, policies, and programs pursuant to 43 CFR 1610.3-2.

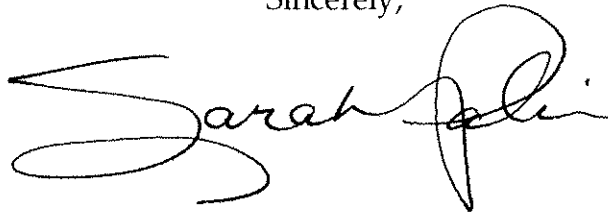
We recognize the difficulty inherent in developing a land use decision-making document designed to provide overarching guidance in such a large area where land status is in flux due to unresolved state and native land selections. Development of the Bay Area plan has presented challenges for both BLM and the state and we are pleased to see that those challenges have been met. We have reviewed the Bay Area Proposed Resource Management Plan and Final Environmental Impact Statement and appreciate the changes made to the document since our last review. We find the plan to be consistent with state interests, plans, policies, and programs. However, I request that you consider the points outlined in the enclosure to this letter that would benefit from further clarification and strengthen the Record of Decision for this plan.

I would also like to take this opportunity to acknowledge BLM's efforts to coordinate with the state and address state concerns throughout the planning process. We appreciate the Bureau's considered evaluation of the Alaska Native Claims

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Settlement Act (ANCSA) Section 17(d)(1) withdrawals. We concur with BLM's decision to recommend revocation of these temporary withdrawals and find the Bay Area Proposed RMP provides effective management tools to protect resource values in the planning area.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Palin". The signature is fluid and cursive, with a large initial "S" and a distinct "P" for "Palin".

Sarah Palin  
Governor

Enclosure: Points that will benefit from Clarification in the Record of Decision

cc: Tom Irwin, Commissioner, Alaska Department of Natural Resources  
John Katz, Director of State/Federal Relations and Special Counsel, Alaska Office  
of the Governor

## Points that will benefit from Clarification in the Record of Decision (ROD)

Page 1-14, Wilderness Characteristics, second full paragraph: This paragraph does not recognize the current policy issued by former Interior Secretary Gale Norton that wilderness studies and recommendations in BLM plans will only be pursued with support of elected state officials. As written, it leaves the impression that the Babbitt policy is still in effect. We request the ROD recognize the existing Interior policy and acknowledge that the Bay Area Plan is consistent with this policy.

Off Highway Vehicle (OHV) Use: We request that the Bureau clarify that, consistent with (b) Management Decisions Common to All Alternatives (B, C, and D) on Page 2-41, OHVs will use existing trails *whenever possible* in order to protect resource values yet provide for other traditional access such as subsistence hunting and game retrieval when necessary. The text on page 2-41 clearly describes BLM's intent and we greatly appreciate these efforts to ensure consistency with state regulations. However, in several instances summary bullets and summary tables would benefit from further clarification. We request that BLM address the inconsistencies regarding OHV limitations particularly on pages 2-53, 54 and 55, 2-79, 80 and 85.

Please note that if there is any intent to limit subsistence use of OHV's to designated trails, this intent would need to be implemented through regulations consistent with ANILCA 811(b). Page 2-41 clearly states BLM's intent to comply with ANILCA 811. Therefore, we suggest clarifying bullets for Alternatives C and D on pages 2-54 and 55.

We appreciate BLM's efforts to carefully delineate the Carter Spit Areas of Critical Environmental Concern (ACEC) to provide adequate protection for migratory birds, subsistence uses, and wildlife habitat while providing for multiple-use in the Goodnews Planning Block. We understand that resolution of selections may change ownership patterns in the area and that BLM would consider adding additional necessary acreage to the ACEC through a plan amendment, including a public process, which we agree would be appropriate. However, we request that BLM clarify on page 2-54 and 55 that "(S)hould lands adjacent to the ACEC be relinquished from selection," *they may be considered for addition to the ACEC through a plan amendment process consistent with the criteria and process specified in 43 CFR 1610.7-2*

Page 2-83, Table 2.13, Effects to Lands and Realty: We request that the language in the table for Alternative D, stating "no Land Use Authorizations in the proposed Carter Spit ACEC" be removed and replaced with language consistent with the description of the Carter Spit ACEC as a Right-of-Way avoidance area as specified in

the text in Chapter 2, page 2-51 Alternative D; Table 2.10 Comparison of Alternatives – Lands and Realty, Land Use Authorizations, Alternative D, page 2-52; and Table 2.12, Alternative Summary Table, Alternative D for Land Use Authorizations and Rights-of-Way, page 2-71.

Although the definition of “subsistence uses” in state statute [AS 16.05.940(33)] is correctly cited on Page 3-136 of the plan, the language defining subsistence use as a use by “a resident domiciled in a rural area of the state,” is no longer valid. The Alaska Supreme Court in 1989 ruled that the rural residency requirement violated provisions of Article VIII of the Alaska Constitution and has also subsequently rejected proximity requirements. Consequently, while pursuant to the Alaska Subsistence Statute [AS 16.05.258], the state does recognize preferential allocation of resource harvest opportunities where subsistence harvests are authorized, it doesn’t allocate resources based on rural or non-rural residency. We request that BLM clarify this matter in the Record of Decision.